

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-93-E - ORDER NO. 2021-772
NOVEMBER 24, 2021

IN RE: Dominion Energy South Carolina,)	ORDER GRANTING
Incorporated's Request for "Like Facility")	MOTION OF
Determinations Pursuant to S.C. Code Ann.)	BRIGHTNIGHT, LLC TO
§ 58-33-110(1) and Waiver of Certain)	INTERVENE OUT OF
Requirements of Commission Order No.)	TIME
2007-626 (This Filing Does Not Involve any)	
Change to the Retail Electric or Natural Gas)	
Base Rates))	

I. INTRODUCTION

Dominion Energy South Carolina, Incorporated (DESC) filed an application with the Commission, in part, to seek a "like facility" determination to replace equipment at three of the utility's sites.¹ The Clerk's Office of the Public Service Commission (Commission) issued a notice on July 1, 2021, establishing a deadline of August 5, 2021, for intervention. On October 15, 2021, BrightNight, LLC (BrightNight) filed a petition with the Commission seeking allowance to intervene as a party of record in the docket. We grant the petition of BrightNight to intervene out of time.

II. FACTS AND PROCEDURAL HISTORY

On March 10, 2021, DESC filed an application with the Commission to seek a like facility determination to replace equipment at three sites, among other requests. The

¹ See section 58-33-110(1) of the South Carolina Code of Laws (2015).

Clerk's Office of the Public Service Commission (Commission) issued a notice on July 1, 2021, establishing a deadline of August 5, 2021, for intervention. The record reveals DESC published the notice on July 3, 4, 5, and 7, 2021, in various newspapers. On July 23, 2021, DESC provided proof of the publication.

After the published deadline for intervention, on October 15, 2021, BrightNight petitioned to intervene in the proceeding. BrightNight, a Delaware limited liability company, asserted it "has a substantial and specific economic interest in the development and operation of renewable energy in South Carolina," and stated it is a "developer of renewable energy projects . . . with plans to identify and develop future renewable energy projects in South Carolina." (Petition, p. 2). BrightNight contends the application of DESC may result in "reduced opportunities to develop renewables and clean energy alternatives" and would impact "the exact type of clean energy projects in which BrightNight specializes." (*Id.*) BrightNight asserts it did not become aware of the docket until after the deadline for intervention passed; it has obtained South Carolina counsel; its participation will not prejudice any party; and, it does not intend to submit discovery requests to the parties. (*Id.*, pp. 2-3). No party filed an objection to the petition of BrightNight to intervene out of time.

On November 3, 2021, the Commission approved a recommendation to grant BrightNight's petition to intervene.

III. APPLICABLE LAW

Petitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority. Petitions which may be filed include:

. . . Petition to Intervene

A. Content of Petitions. Petitions shall state clearly and concisely the petitioner's grounds of interest in the subject matter, the facts relied upon, and the relief sought. Petitions shall cite by appropriate reference the statutory provision or other authority relied upon for relief. The following requirements are applicable to specific types of Petitions:

. . .

(3) A Petition to Intervene in a proceeding before the Commission shall set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
- (b) The grounds of the proposed intervention;
- (c) The position of the petitioner in the proceeding.

S.C. Code Ann. Regs. 103-825 (2012).

IV. FINDINGS OF FACT

After review of the petition and the law, the Commission makes the following findings of fact:

1. BrightNight submitted a petition to the Commission to intervene out of time, providing its reasons for, and interest in, the proceeding.

2. The petition indicates the company is “a developer of renewable energy projects throughout the United States with plans to identify and develop future renewable energy projects in South Carolina.” (Petition, page 2). The company goes on to assert its “commercial plans and opportunity would be directly and substantially affected by the outcome of this proceeding.” (*Id.*)

3. No party objected to the petition of BrightNight to intervene in this docket.

4. BrightNight represents it is a Delaware corporation and was not aware of the docket in time to intervene by the noticed deadline.

5. BrightNight states good cause as to why it should be allowed late intervention in the docket.

6. BrightNight has obtained legal counsel authorized to practice law in South Carolina.

7. BrightNight indicates it will not burden any party and does not intend to file discovery.

8. We find the intervention would not prejudice the present parties.

V. CONCLUSIONS OF LAW

1. The Commission has the authority to grant a petition to intervene pursuant to S.C. Code Ann. Regs. 103-825 (2012).

2. BrightNight has satisfied the criteria for intervention stated in Regulation 103-825 and there were no objections to the petition.

ORDERING PROVISIONS

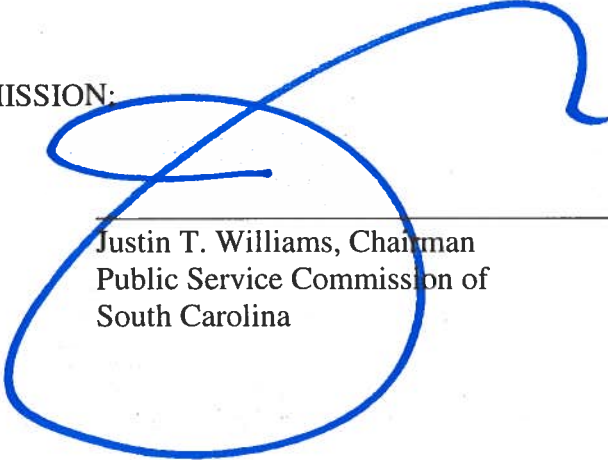
IT IS THEREFORE ORDERED:

1. The petition of BrightNight, LLC to intervene out of time in this docket is granted.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:




Justin T. Williams, Chairman
Public Service Commission of
South Carolina